

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 5949 of 2021

Rajkumar Korwa S/o Jagpat Korva, Aged About 30 Years, R/o Village Sigsiga Khurd, Police Station Chiniya, District- Garhwa, Jharkhand.

----Applicant

Versus

State of Chhattisgarh Through Police Station- Shankargarh, District- Balrampur-Ramanujganj, Chhattisgarh.

--- Respondent

For Applicant	: Mr. Akath Kumar Yadav, Advocate.
For State	: Ms. Shubra Shrivastava, GA.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

29/10/2021

Heard.

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.55/2021, registered at Police Station -Shankargarh, District- Balrampur-Ramanujganj, (C.G.), for commission of offence punishable under Sections 376 (2)(n) IPC.
2. Case of the prosecution is that applicant and prosecutrix came in contact through Mobile and thereafter applicant started visiting house of prosecutrix. In the year 2020, on the pretext of marriage applicant established physical relationship with prosecutrix. Thereafter, physical relationship was made by applicant on several occasions. On 20.03.21, mother of prosecutrix died and thereafter, applicant came to house of prosecutrix and started living there. During his stay in house of prosecutrix, applicant continuously made physical relation wit her. On 03.04.21, when prosecutrix asked applicant to marry her, he refused stating that he has already married and having children. This made the prosecutrix to lodge report to the concerned police Station. Based upon which, aforementioned crime is registered against applicant.
3. Learned counsel for applicant submits that prosecutrix is a major girl aged about 23 years. Applicant and prosecutrix were having talking terms on Mobile

Phone since the year 2019. As per allegation itself, first time applicant established physical relationship with prosecutrix in the year 2020, which continued till 2021. Hence, no offence as alleged against applicant would be made. Applicant is in jail since 03.4.2021, he may be enlarged on regular bail.

4. Learned State Counsel opposes the submission made by learned counsel for the applicant and submits that physical relationship between applicant and prosecutrix was on the pretext of marriage. Applicant, who was married person on the date of establishing physical relationship with prosecutrix, established physical relation knowingly well that he cannot marry her, which itself shows that applicant deceived prosecutrix. Hence, applicant is not entitled for grant of bail.
5. Heard, learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, applicant on the pretext of marriage has established physical relationship with prosecutrix, the fact that applicant is a married person having children is not disputed, I do not find it to be a fit case to enlarge the applicant on regular bail.
7. Accordingly, bail application is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-